

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The Burlington Northern and Santa Fe Railway Company, the :
County of Warren, the Township of Ellison in Warren County, and :
the State of Illinois, Department of Transportation. :
:
Stipulated Agreement regarding improving public safety at the :
crossing of the Company's tracks with public highways known as : T00-0066
FAS-413 located near Smithshire and Main Street located in :
Smithshire, both in Warren County, Illinois designated as :
crossings DOT 004 709G, milepost 199.73-M, and DOT 004 :
711H, milepost 201.43-M, respectively. :

ORDER

By the Commission:

On June 26, 2000, June 28, 2000, July 10, 2000, July 25, 2000, and July 28, 2000, the Staff of the Illinois Commerce Commission, Warren County, Ellison Township in Warren County, The Burlington Northern and Santa Fe Railway Company, and the Illinois Department of Transportation, respectively, executed the Stipulated Agreement according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law. The Stipulated Agreement, which is appended hereto, provides for safety improvements at the crossings of The Burlington Northern and Santa Fe Railway Company's track with public highways known as FAS-413 located near Smithshire, and Main Street located in Smithshire, both in Warren County, Illinois. The Stipulated Agreement contains estimates of cost to accomplish the improvements and a division of cost among the parties.

The Commission, having given due consideration to the Stipulated Agreement, finds that:

- (1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) the physical characteristics of the subject highway - railroad grade crossings, rail and highway volumes and speeds are indicated on Exhibits A, and A-1 of the Stipulated Agreement, appended hereto;
- (3) the Parties agree that in the interest of public safety the improvements as set forth in Section 2 of the Stipulated Agreement, appended hereto, should be performed;
- (4) the cost for the proposed improvements should be divided among the

parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, in accordance with the Law;

- (5) it is fair and reasonable that the Secretary of the Illinois Department of Transportation through the Grade Crossing Protection Fund of the Motor Fuel Tax Law, and The Burlington Northern and Santa Fe Railway Company be directed to bear their respective portions of the actual cost of the proposed improvements as set forth in Section 5 of the Stipulated Agreement, appended hereto.

IT IS THEREFORE ORDERED that the terms of the Stipulated Agreement executed by the Staff of the Illinois Commerce Commission, Warren County, Ellison Township in Warren County, The Burlington Northern and Santa Fe Railway Company, and the Illinois Department of Transportation on June 26, 2000, June 28, 2000, July 10, 2000, July 25, 2000, and July 28, 2000, respectively, be, and they are hereby accepted and required to be met by the aforesaid parties.

IT IS FURTHER ORDERED that The Burlington Northern and Santa Fe Railway Company be, and it is hereby, required and directed to proceed immediately in performing its work as set forth in Section 2 of the Stipulated Agreement, appended hereto, and shall complete its work within one (1) year from the date of this Order.

IT IS FURTHER ORDERED that the cost of making the improvements herein required shall be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, as set forth in Section 5 of the Stipulated Agreement, appended hereto.

IT IS FURTHER ORDERED that the Illinois Department of Transportation shall, within thirty (30) days of its receipt of a detailed cost estimate and general layout plan, furnish to the Commission a statement of its approval or disapproval thereof, this for the information of the Commission when considering the application herein required to be filed in accordance with Form 3 of 92 Ill. Adm. Code 1535.

IT IS FURTHER ORDERED that The Burlington Northern and Santa Fe Railway Company shall file Form 3 of 92 Ill. Adm. Code 1535 of this Commission, one for each location, showing details of the automatic warning devices herein required and shall receive approval thereof by X-Resolution before commencing the work of installation.

IT IS FURTHER ORDERED that all bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Springfield, Illinois, 62764. The Illinois

Department of Transportation shall submit a copy of each bill to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures shall be clearly marked "Final Bill". All bills shall be submitted to the Department no later than twenty four (24) months from the date of this Order. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in this Order. The Department shall, at the end of the 24th month from this Order date, de-obligate all residual funds accountable for installation costs for this project.

IT IS FURTHER ORDERED that The Burlington Northern and Santa Fe Railway Company shall file a written report within ninety (90) days from the date of this Order, with the Director of Processing, of the Commission's Transportation Division, stating the progress it has made toward completion of its work herein required. The report shall include the name, title, mailing address, phone number and facsimile number of the Company's employee responsible for management of this project.

IT IS FURTHER ORDERED that The Burlington Northern and Santa Fe Railway Company shall submit to the Director of Processing, Transportation Division of the Commission within five (5) days of the completion of the work herein required, a National Inventory Update Report Form as a notice of said completion.

IT IS FURTHER ORDERED that The Burlington Northern and Santa Fe Railway Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the total project and percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision subject to the Administrative Review Law.

By Order of the Commission this 7th day of September, 2000.



Chairman

EXAMINER
MES
SECTION CHIEF
Supervisor of Orders 